UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2002/NGO/56
31 January 2002

ENGLISH AND FRENCH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement* submitted by the International Centre for Human Rights and Democratic Development (Rights & Democracy), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

---

*/ This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE. *200201045 7*

ENG

The Situation in Myanmar

1. In the year 2001, the State Peace and Development Council (SPDC), Burma's ruling military junta, is still holding on power by the use of force. Gross violations of international human rights and humanitarian law continued. Reported human rights violations included: extra-judicial, summary and arbitrary executions, forced disappearances, rape, torture, inhuman treatment, mass arrests, forced labour, forced relocation, and denial of freedom of assembly, association, expression and movement.

2. The SPDC continues to ignore the outcome of the election of 27 May 1990 and Daw Aung San Suu Kyi, whose political party, the National League of Democracy (NLD) won over 80% of the seats, remains under a *defacto* house arrest.

3. In October 2000, a first meeting between the UN Secretary-General Special Envoy for Burma, Mr. Ismail Razali, the Secretary-General of the NLD, Aung San Suu Kyi, and representative of the SPDC, Senior Gen. Than Shwe, took place. This meeting was followed through the year 2001 by a series of secret talks between Aung San Suu Kyi and Senior Gen. Than Shwe.

4. Following these talks and the first visit of Special Rapporteur, Mr. Paulo Sergio Pinheiro, the SPDC authorities released several political prisoners throughout the year. However, the vast majority of those releases were not long-term detainees. The majority of them had not been officially charged and those who were serving a prison term were in fact already due to be released.

5. Hundreds of political prisoners still remain in jail. The leader of the students movement of 1988 and winner of the 1999 John-Humphrey Freedom Award, Min Ko Naing, has already served the maximum term of his sentence, but is kept in jail, under the commonly used Article 10 (a) of the 1975 State Protection Act.

6. The SPDC continued to reinforce its rule through a pervasive security apparatus controlled by military intelligence. Press censorship continued to be strictly enforced. Ownership of fax machines and computers as well as access to the Internet without government permission is punishable by a prison term of seven to 15 years.

7. The SPDC assigns high and growing budgets for military spending while the allocation of public resources for health, education and human development are kept extremely low. The World Health Report 2000 ranks Burma's overall performance second-to-last in the world – 190th out of 191.

8. Military sexual slavery, especially against ethnic women, was common. SPDC soldiers raped women when they are detained for forced labour or "portering" or under the pretext of forced marriage. These practices constitute a violation of the Slavery Convention to which Burma became a party on 18 June 1927.

9. As a counterinsurgency measure, forced relocation of villagers in ethnic minority areas continues. After relocation, soldiers frequently burn homes, uproot crops, loot belongings left behind and lay landmines around the villages. Relocation sites become

recruitment pools for forced labour, who are obliged to transport military equipment, and munitions, act as minesweepers, and work on infrastructure projects.

10. SPDC has not met its obligations under Convention No. 29 that the country ratified in 1955. Despite issuing Order 1/99 (making forced labour illegal), SPDC did not demonstrate the political will to eradicate forced labour and to comply with the recommendations of the ILO Commission of Inquiry which found that forced labour in Burma was "widespread and systematic". Order 1/99 has not been publicly announced on the radio, television or in newspapers as other laws and orders are being normally disseminated. SPDC is now using verbal orders, instead of using written orders, to conscript forced labour workers. In addition, since August 1, 2001, SPDC officials at the township/village are asking households to sign a declaration that they have never been conscripted for forced labour.

11. The country is facing a humanitarian crisis. The consolidation of the Burmese Army control over their border states through forced relocations has a direct impact in creating a huge number of internally displaced peoples (IDP) and refugees. Hundreds of thousands of IDPs are hiding in the jungle or living in poor and harsh conditions at SPDC relocations sites. Some of them manage to escape and become new refugees in neighbouring countries.

12. According to Landmine Monitor Report 2001, 9 out of 14 states and divisions in Burma are mine-affected. While the number of landmine victims in Burma is unknown, Landmine Monitor estimated that there were approximately 1,500 new victims in 1999 alone. The Committee Representing the People's Parliament (CRPP) has already endorsed the Mine Ban Treaty.

RECOMMENDATIONS

The Commission on Human Rights should adopt a resolution on the situation of human rights in Myanmar that:

1. Not only welcomes the efforts of the UNSG Special Envoy for the continuation of talks between SPDC and Aung San Suu Kyi but should also establish minimum requirements to be implemented within a given timeframe which will facilitate the evaluation of the talks. These requirements should include:
   - a joint statement of SPDC-NLD informing the public on the progress of the talks,
   - to allow free movement of Aung San Suu Kyi and other political leaders
   - liberation of all political prisoners
   - inclusion of representatives of ethnic minorities, etc.

2. Calls on the SPDC to eradicate the practice of forced labour and to allow the ILO to fully monitor the implementation of Order 1/99 in the country;

3. Calls on the SPDC to ratify the 1997 Mine Ban Treaty.